

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

(Bid Protest)

DYNCORP INTERNATIONAL, LLC)	
)	
Plaintiff,)	Case No. 1:19-cv-01133
)	
v.)	Senior Judge Loren Smith
)	
UNITED STATES,)	
)	
Defendant.)	
)	

VECTRUS SYSTEMS CORPORATION’S MOTION TO INTERVENE

Pursuant to Rule 24 of the Rules of the United States Court of Federal Claims (“RCFC”), Vectrus Systems Corporation (“Vectrus”) respectfully moves to intervene in the above-captioned case. Vectrus seeks to intervene to protect its rights as the awardee of one of the contracts challenged by Plaintiff DynCorp International, LLC (“DI”) in this bid protest. Vectrus has conferred with counsel for Plaintiff and Defendant, and neither opposes this motion.

Under Rule 24(a)(2), Vectrus is entitled to intervene as a matter of right because, as one of the awardees, it has an interest relating to the subject matter of this action and is “so situated that disposing of the action may as a practical matter impair or impede its ability to protect its interest” RCFC 24(a)(2). This rule provides for “intervention of right” upon timely application to the Court when the party seeking to intervene:

claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.

RCFC 24(a)(2); *see also Northrop Grumman Info. Tech., Inc. v. United States*, 74 Fed. Cl. 407, 413 (2006).

Vectrus meets the Rule 24(a)(2) test. As one of the awardees, Vectrus has a direct and immediate interest in the litigation, as its economic well-being will be affected by the Court's resolution of this bid protest. If the Court were to rule in favor of Plaintiff, Vectrus' interests would be affected because a re-evaluation or a new best-value determination may affect the award result.

Furthermore, although Defendant and Vectrus both share an interest in demonstrating that Defendant's evaluation and the resulting award decisions were proper, only Vectrus can adequately protect its interests in ensuring that any action taken does not adversely affect Vectrus' right to the contract.

"The United States Court of Appeals for the Federal Circuit has advised that 'the requirements for intervention are to be construed in favor of intervention.'" *Bannum, Inc. v. United States*, 96 Fed. Cl. 364, 378 (2010) (quoting *Am. Mar. Transp., Inc. v. United States*, 870 F.2d 1559, 1561 (Fed. Cir. 1989)). This is especially true here where Plaintiff seeks to overturn Defendant's determination that Vectrus' proposal offered the best value and threatens to deprive Vectrus of a properly awarded contract.

CONCLUSION

Accordingly, Vectrus meets the requirements of RCFC 24(a)(2) and respectfully requests that the Court grant its motion to intervene as of right.

Dated: August 6, 2019

Respectfully submitted,

By: /s/ Kevin P. Mullen

Kevin P. Mullen

J. Alex Ward

James A. Tucker

Sandeep N. Nandivada

R. Locke Bell

Lauren J. Horneffer

Caitlin A. Crujido

MORRISON & FOERSTER LLP

2000 Pennsylvania Avenue NW

Washington, DC 20006-1888

Email: KMullen@mofo.com

Telephone: (202) 887-1560

Facsimile: (202) 785-7573

Counsel for Vectrus Systems Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of this VECTUS SYSTEMS CORPORATION'S MOTION TO INTERVENE was served this day on all parties via the Court's electronic case filing system.

August 6, 2019

/s/ Kevin P. Mullen
Counsel of Record